

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 49

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO INJECTION WELLS; AMENDING SECTION 42-3902, IDAHO CODE, TO DEFINE
"CLASS II INJECTION WELL"; AND AMENDING SECTION 42-3905, IDAHO CODE, TO
REVISE FILING FEE PROVISIONS AND TO PROVIDE A FILING FEE FOR CLASS II IN-
JECTION WELLS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-3902, Idaho Code, be, and the same is hereby
amended to read as follows:

42-3902. DEFINITIONS. Whenever used in this chapter:

(1) "Aquifer" means any geologic formation that will yield water to a
well in sufficient quantities to make production of water from the formation
feasible for beneficial use, except when the water in such formation results
solely from injection through a deep or shallow injection well.

(2) "Class II injection well" means a deep injection well used to inject
fluids:

(a) Which are brought to the surface in connection with natural gas
storage operations, or conventional oil or natural gas production and
may be commingled with waste waters from gas plants, dehydration sta-
tions, or compressor stations which are an integral part of production
operations, unless those waters are classified as a hazardous waste at
the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard tempera-
ture and pressure.

(3) "Deep injection well" means an injection well which is more than
eighteen (18) feet in vertical depth below land surface.

(34) "Director" means the director of the department of water re-
sources.

(45) "Drinking water source" means an aquifer which contains water hav-
ing less than ten thousand (10,000) mg/l total dissolved solids and has not
been exempted from this designation by the director of the department of wa-
ter resources.

(56) "Fluid" means any material or substance which flows or moves
whether in a semisolid, liquid, sludge, gaseous or any other form or state.

(67) "Formation" means a body of consolidated or unconsolidated rock
characterized by a degree of lithologic homogeneity which is mappable at the
earth's surface or traceable in the subsurface.

(78) "Hazardous waste" means any fluid or combination of fluids, ex-
cluding radioactive wastes, which because of quantity, concentration or
characteristics (physical, chemical or biological) may:

1 (a) Cause or significantly contribute to an increase in deaths or an in-
 2 crease in serious, irreversible or incapacitating reversible illness;
 3 or

4 (b) Pose a substantial threat to human health or to the environment
 5 if improperly treated, stored, disposed of, or managed. Such wastes
 6 include, but are not limited to, materials which are toxic, corro-
 7 sive, ignitable, or reactive, or materials which may have mutagenic,
 8 teratogenic, or carcinogenic properties, but do not include solid or
 9 dissolved material in domestic sewage or solid or dissolved material in
 10 irrigation return flows.

11 (~~89~~) "Injection" means the subsurface emplacement of fluids through an
 12 injection well, but excludes the following:

13 (a) The underground injection of natural gas for purposes of storage;
 14 and

15 (b) The underground injection of fluids or propping agents, other than
 16 diesel fuels, pursuant to hydraulic fracturing operations related to
 17 oil, gas or geothermal production activities.

18 (~~910~~) "Injection well" means any feature that is operated to allow in-
 19 jection which also meets at least one (1) of the following criteria:

20 (a) A bored, drilled or driven shaft whose depth is greater than the
 21 largest surface dimension;

22 (b) A dug hole whose depth is greater than the largest surface dimen-
 23 sion;

24 (c) An improved sinkhole; or

25 (d) A subsurface fluid distribution system.

26 Provided however, that "injection well" does not mean or include any well
 27 drilled for oil, gas or geothermal production activities, other than one
 28 into which diesel fuels are injected pursuant to hydraulic fracturing opera-
 29 tions.

30 (~~101~~) "Irrigation waste water" means excess surface water from agricul-
 31 tural fields generated during any agricultural operation, including runoff
 32 of irrigation tailwater, as well as natural drainage resulting from precipi-
 33 tation, snowmelt and floodwaters.

34 (~~112~~) "Licensed driller" means any person holding a valid license to
 35 drill water wells in Idaho as provided and defined in section 42-238, Idaho
 36 Code.

37 (~~123~~) "Operate" means to allow fluids to enter an injection well by ac-
 38 tion or by inaction of the operator.

39 (~~134~~) "Operator" means any individual, group of individuals, partner-
 40 ship, company, corporation, municipality, county, state agency, taxing dis-
 41 trict or federal agency who operates or proposes to operate any injection
 42 well.

43 (~~145~~) "Owner" means any individual, group of individuals, partnership,
 44 company, corporation, municipality, county, state agency, taxing district,
 45 or federal agency owning land on which any injection well exists or is pro-
 46 posed to be constructed.

47 (~~156~~) "Radioactive material" means any material, solid, liquid or gas
 48 which emits radiation spontaneously.

1 (167) "Radioactive waste" means any fluid which contains radioactive
2 material in concentrations which exceed those established for discharges to
3 water by 10 CFR 20.

4 (178) "Shallow injection well" means an injection well which is less
5 than or equal to eighteen (18) feet in vertical depth below land surface.

6 (189) "Sanitary waste" means any fluid generated through residential
7 (domestic) activities, such as food preparation, cleaning and personal hy-
8 giene. The term does not include industrial, municipal, commercial or other
9 nonresidential process fluids.

10 (1920) "Surface runoff water" means runoff water from the natural
11 ground surface and cropland. Runoff from urbanized areas, such as streets,
12 parking lots, airports, and runoff from animal feedlots, agricultural pro-
13 cessing facilities and similar facilities are not included within the scope
14 of this term.

15 SECTION 2. That Section 42-3905, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 42-3905. FEES -- TRANSMITTED TO STATE TREASURER. (1) Fees provided for
18 in this section shall accompany all applications and notice of construction
19 forms. No such application or notice of construction form shall be accepted
20 unless accompanied by a filing fee as provided in this section. A separate
21 application shall be filed for each deep injection well and each shallow in-
22 jection well for which a permit is required by the rules adopted by the water
23 resource board. The filing fee for each deep injection well requiring a per-
24 mit shall be two thousand five hundred dollars (\$2,500) for a class II injec-
25 tion well and one hundred dollars (\$100) for all other deep injection wells,
26 payable to the department of water resources.

27 (2) The notice of construction form for each new shallow injection well
28 shall be accompanied by a fee of seventy-five dollars (\$75.00) payable to the
29 department of water resources.

30 (3) All fees received under the provisions of this chapter are deemed to
31 be nonrefundable and shall be transmitted to the state treasurer for deposit
32 in the water administration fund as established under the provisions of sec-
33 tion 42-238a, Idaho Code, except that fees submitted with applications that
34 do not require a permit shall be returned to the applicant. Fees collected
35 may be used by the director of the department of water resources to carry out
36 the provisions of this chapter.